

Applicant : Gaue et al.

Credit Card Refund total: \$1110.00

Appl. No. : 10/764,056

Master C: XXXXXXXXXXXX5583

Filed : January 23, 2004

Title : MALE STERILITY IN GRASSES OF
THE GENUS LOLIUM

Examiner : Keith O'Neal Robinson

Group Art Unit : 1638

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)****Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to respond to an Office Action mailed on March 13, 2006, setting a three month shortened statutory period for response. The abandonment date of this application was June 14, 2006 (i.e., the day after the expiration of the date of the period set for response). Applicants intended to extend the shortened statutory period to September 13, 2006, by payment of a three-month extension of time fee in order for it to be co-pending with application 11/520,186 filed on September 12, 2006. Applicants respectfully submit that the enclosed Statement in Support of Applicants' Petition to Revive establishes that the abandonment was unintentional, and that the entire delay in filing the required reply from the due date, until the filing of the present grantable Petition to Revive was unintentional.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION**1. Proposed response and/or fee**

a. Petitioner hereby requests a three-month extension of time under 37 C.F.R. § 1.136(a) extending the period for response to the Final Office Action mailed March 13, 2006 from June 13, 2006 to September 13, 2006. Petitioner hereby requests that the application be deemed abandoned on September 14, 2006.

b. The three-month extension fee of \$1110 is enclosed herewith.

2. Petition fee as set forth in 37 C.F.R. §1.17(m) is enclosed herewith.

(X) \$1620

Adjustment date: 03/24/2010 CKHLOK
06/09/2009 INIEFSW 00004683 10764056
02 FC:1253 -1110.00 OP

3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP


Dated: June 8, 2009

By: 

Marc T. Morley
Registration No. 52,051
Attorney of Record
Customer No. 20,995
(619) 235-8550

7246239
060509

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | |
|---|-----------------------------------|-----------------------------|---|-------------|
| 1 Date of Request: 03/23/10 | | 2 Serial/Patent # 10764,056 | | |
| 3 Please refund the following fee(s): | | 4 PAPER NUMBER | 5 DATE FILED | 6 AMOUNT |
| | Filing | | | \$ |
| | Amendment | | | \$ |
| X | Extension of Time (1253) | | 06/08/09 | \$ 1,110.00 |
| | Notice of Appeal/Appeal | | | \$ |
| | Petition (1462) | | | \$ |
| | Issue | | | \$ |
| | Cert of Correction/Terminal Disc. | | | \$ |
| | Maintenance | | | \$ |
| | Assignment | | | \$ |
| | Other | | | \$ |
| 7 TOTAL AMOUNT OF REFUND | | | \$ 1,110.00 | |
| 8 TO BE REFUNDED BY: CC | | | | |
| 10 REASON: | | X | Treasury Check | |
| | Overpayment | | Credit Deposit A/C #: | |
| | Duplicate Payment | 9 | <div style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; text-align: center;"> -- </div> | |
| X | No Fee Due (Explanation): | | | |
| request untimely. | | | | |
| | | | | |
| 11 REFUND REQUESTED BY: | | | | |
| TYPED/PRINTED NAME: Charlema Grant | | TITLE: Atty | | |
| SIGNATURE: /Charlema Grant/ | | PHONE: X-3215 | | |
| OFFICE: OP | | | | |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY: ***** | | | | |
| APPROVED:  | | DATE: 3/24/10 | | |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: